

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ROSE MARIE (FIORE) DIANA,

Plaintiff,

**6:15-cv-964
(GLS/ATB)**

v.

RAYMOND MABIS et al.,

Defendants.

ORDER

The above-captioned matter comes to this court following an Order and Report-Recommendation (R&R) by Magistrate Judge Andrew T. Baxter, duly filed on August 18, 2015. (Dkt. No. 4.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

While plaintiff *pro se* Rose Marie (Fiore) Diana filed objections to the R&R and new documents, (Dkt. Nos. 7, 8), they invoke review only for clear error. *See Almonte v. N.Y.S. Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at *4-5 (N.D.N.Y. Jan. 18, 2006) (explaining that resubmitting the same arguments previously made “fails to comply with the specificity requirement”); *Smith v. Hulihan*, No. 11 CV 2948, 2012 WL

4928904, at *1 (S.D.N.Y. Oct. 17, 2012) (“[N]ew arguments and factual assertions cannot properly be raised for the first time in objections to the R & R, and indeed may not be deemed objections at all.”). Having carefully reviewed the R&R for clear error, it is adopted in its entirety.

Accordingly, it is hereby

ORDERED that the Order and Report-Recommendation (Dkt. No. 4) is **ADOPTED** in its entirety; and it is further

ORDERED that the complaint (Dkt. No. 1) is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(ii) as frivolous and for failure to state a claim; and it is further

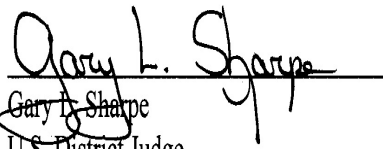
ORDERED that, pursuant to 28 U.S.C. § 1915(a)(3), any appeal taken from this Order is not taken in good faith; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED the clerk of the court serve a copy of this Order upon the parties in accordance with this court’s Local Rules.

IT IS SO ORDERED.

April 5, 2016
Albany, New York


Gary L. Sharpe
U.S. District Judge